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ABSTRACT

This guide focuses on the issue of school-based harassment. It is intended to help educators prevent or curtail all forms of harassment by highlighting school-based harassment issues, by describing remedies and prevention strategies, and by providing additional resources. It details some of the problems school-based harassment engenders, and it explores common misperceptions of harassment, as well as its legal implications. The guide features an overview of harassment, offering specific strategies for preventing--and responding to--such harassment. Such tactics include professional development, curricular concerns, and personal considerations for educators. It describes what school employees, families and communities, and students need to know by using a question-and-answer format. The three sections that cover these can be pulled out and used separately. Some of the legal foundations of responses are likewise discussed, and an emphasis on self-reflection is prominent throughout the text. A case study is presented. Online, organizational, print, video, and curricular resources are listed. (RJM)

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ED 420 113

PREVENTING AND COUNTERING SCHOOL-BASED HARASSMENT

A Resource Guide for K-12 Educators

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NORTHWEST REGIONAL EDUCATIONAL LABORATORY
Center for Sexual Orientation, Race and Sex Equity

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PREVENTING AND COUNTERING SCHOOL-BASED HARASSMENT

A Resource Guide for K-12 Educators

Melissa Steineger

July 1997

NORTHWEST REGIONAL EDUCATIONAL LABORATORY
Center for National Origin, Race, and Sex Equity

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About CNORSE

The center is one of 10 regional desegregation assistance centers funded by the U.S. Department of Education to provide equity training and technical assistance within the larger context of school improvement. The center serves public school personnel, school board members, students, parents, and other community members in Region X—the Northwest (Idaho, Oregon, and Washington), Alaska, and the Pacific, including American Samoa, Guam, Hawaii, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

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Preface

Preventing and Countering School-Based Harassment is the result of two conferences on racial harassment and numerous training-of-trainer administrator workshops conducted over the past four years by the Center for National Origin, Race, and Sex Equity (CNORSE) where the intersection of the issues of racial and sexual harassment have been made clear by educators in the field. Although much national attention has been focused separately on the issues of racial harassment and sexual harassment, the reality is that when one form of harassment occurs, the opportunity exists for all types of harassment. Focusing only on one type of harassment can allow another type of harassment to go unchallenged.

This guide addresses the more comprehensive issue of school-based harassment by capturing similarities in cause of, type of, and remedy for all forms of harassment while also addressing the unique and legal aspects of racial and sexual harassment, as appropriate. The hope is that the material will help school staff, families, students, and communities to create a safe and bias-free learning environment.

Appreciation is extended to CNORSE staff members Joyce Harris and Barbara Warren-Sams, who provided guidance and review of this publication, and to Fred Alcorn, who reviewed the guide.

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INTRODUCTION

An important thing to remember in order to stop all forms of harassment is to treat family, friends, and strangers with respect.

Every day in virtually every school, students and staff suffer the pain and indignity of being a target for harassment, ranging from written or verbal abuse to physical violence which in some cases causes serious injury or death. In *Hostile Hallways: The AAUW Survey on Sexual Harassment in America's Schools* (1993), a national poll of students in grades 8 through 11, the AAUW reports that 80 percent had experienced some form of sexual harassment *during their schooling experience*, with some of the incidents beginning as early as first grade. Another study (O'Neil, 1993) estimates that 20 to 25 percent of students are subjected to racial harassment *during the course of a school year*.

Often the harassment happens in front of others, such as peers and school staff, yet there's a tendency to think school-based harassment happens "at other schools, but not at mine." Or that "it's all part of growing up." There may be concern about the issue, yet staff and students are uncertain about what to do. This uncertainty is the result of several factors:

- Sexual and racial harassment are just now beginning to be reported
- Students of color are less likely to report because of lack of faith in the judicial system in the United States
- Most students and staff don't know enough about harassment, or the various types, so are less likely to report
- There is frequently no procedure, or a lack of knowledge about the procedure, for reporting harassment at many school sites

Whether it is based on sex, race, color, or national origin, harassment has many commonalities. In school environments where one form of harassment occurs, others often do, too. On the other hand, many solutions to one form of harassment work for all forms and help to establish a safe, equitable environment conducive to learning. By focusing on the broader issue of school-based harassment, this guide seeks to help educators prevent or curtail all forms of harassment, but where appropriate, specific indications or solutions are presented.

Although the word "victim" has come to be emotionally charged, this guide uses "victim" or "victims" to refer to an individual who has been or individuals who have been subjected to harassment. Its use is meant to underscore the seriousness of the issue and its consequences.

This guide highlights school-based harassment issues, describes some effective remedies and prevention strategies, and provides additional resources. The three sections on what school employees, families and communities, and students need to know can be pulled out and used as is. All materials may be reproduced as long as Northwest Regional Educational Laboratory is acknowledged on all copies.

OVERVIEW

Although reports or complaints of harassment in your school may be rare or nonexistent, that does not mean your school is free of this behavior. Of students who reported having been harassed in one national survey, only 7 percent had told a school representative. The New York State Occupational Education Equity Center notes that "research paints a shocking picture of the widespread occurrence of student-to-student harassment, much more widespread than in the rest of society."

School-based harassment can occur at any school activity, in classrooms, hallways, cafeterias, and on buses. A disturbing 55 percent of harassment is reported to happen in the classroom—sometimes in front of or at the hands of the teacher; and children as young as first grade have been harassed. Harassment is a real and serious problem that affects the academic performance and self-esteem of all students—even those who are not direct targets.

For the most part, surveys on school-based harassment have looked at racial and sexual harassment separately. The results of these surveys are disturbing. For example, a national study in 1990 found that 15 percent of 10th graders believe it can be justifiable to make negative remarks based on race. The Office for Civil Rights recently investigated a case in which a teacher told African American students to "show the class how black people walk" and a case at another school where a teacher placed a noose around the neck of an African American student, led him around the classroom, and made him do tricks.

A 1989 study of schools in Los Angeles County found incidents of harassment based on race, color, or national origin occurred in 37 percent of schools studied. African American students, making up 14 percent of the student population, represented 29 percent of the victims.

Where Harassment Happens

- School hallways: 66 percent
- Classrooms: 55 percent
- School grounds: 43 percent
- Gym, playing field or school pool: 39 percent
- Cafeteria: 34 percent
- School bus: 26 percent
- Field trip: 24 percent
- School parking lot: 18 percent
- Locker room: 18 percent
- Restrooms: 10 percent

Source: *Hostile Hallways: The AAUW Survey on Sexual Harassment in America's Schools* 1993

Hispanics (30 percent of the student population) made up 47 percent, and Asians and Pacific Islanders (9 percent of the student population) were targets in 15 percent of the incidents. White students made up 29 percent of the student population, yet accounted for only 16 percent of those harassed.

In a 1995 teen health risk survey conducted in a large urban Northwest school district, a high incidence of racial and sexual harassment was found. Nearly 60 percent of eighth graders and 43 percent of high schoolers had received racial comments or attacks at school or on the way to or from school. Of the eighth graders surveyed, Southeast Asian students were most likely to report harassment and African American students least likely. Of the high school students surveyed, Latinos were the most likely and Southeast Asians the least likely to report harassment. One student wrote, "The overall hatred and non-acceptance from all sides is scary." Another summed up the climate with, "The biggest growing problem is racism. Each day things get a little more segregated. . . ."

In the 1995 survey, sexual harassment, while common, was reported as occurring less frequently overall than racial harassment. Thirty-three percent of eighth graders and 37 percent of high schoolers indicated they had been targets of offensive sexual comments at school or on the way to or from school. Girls, however, reported a much higher incidence of sexual harassment than boys—twice as often for eighth-grade girls and three times as often for high school girls.

In a four-year survey of 225 superintendents, researchers Charol Shakeshaft and Audrey Cohan of Hofstra University found that 96 percent of the adult abusers were men teachers and that 76 percent of the victims were girl students. Some of the abusers were categorized as pedophiles, some as adults using bad judgment. Pedophiles primarily target elementary and middle school children. They may target particularly vulnerable children and put them through a series of tests to see whether they can be trusted to keep a secret, thus eliminating potential targets who would talk about the abuse. Pedophiles may court their victims by slowly introducing touching or pornography in ways that entrap the victims and make them feel responsible.

Several surveyed superintendents discovered that complaints had previously been made against the same staff member without having been formally reported to the superintendent. In many cases, the accused harasser was considered an outstanding teacher. Often teachers rallied around the accused teacher—in one case right up to the time the fourth-grade teacher confessed to abusing girls from his class for at least eight years.

The embarrassment and confusion that victims feel about being harassed is highlighted by the reporting statistics. In the AAUW survey mentioned in the introduction, 23 percent of students who were harassed said they told no one about the harassment, 7 percent told a teacher, 23 percent, a family member, and 63 percent, a friend.

Two groups in our society are particularly vulnerable to harassment:

FEMALES OF COLOR. A lingering racial stereotype portrays certain women of color as more available to sexual advances. The stereotype derives from persistent negative portrayals of women of color in literature and film.

NONTRADITIONAL WORKERS. Access to all occupations by those interested and qualified is a fairly new phenomenon in our society. Some occupations are still perceived by some people as more appropriate for one sex. Women and men that enter occupations previously dominated by the other sex may encounter resistance in the form of harassment on and off the job. Women of color may encounter resistance based on race and sex.

In the 1997 pamphlet *Sexual Harassment: It's Not Academic*, OCR advises that harassing behavior is often allowed to continue simply because students and employees are not informed about what harassment is or how to stop it. Yet addressing school-based harassment is crucial to providing a secure learning environment for the nation's children. Further, OCR advises, when harassment is unreported or ignored when it is reported, the harassment is most likely to continue and worsen, not fade away. Ignoring school-based harassment can send the message that such behavior is acceptable or tolerated by the school. Also, in light of recent litigation, not addressing harassment can increase a school's legal liability, and administrators may be liable if they maintain a practice of indifference or disregard in concealing complaints of harassment or abuse and in discouraging student complaints about such conduct.

A crucial factor in preventing or stopping school-based harassment is for students, families, and staff to be able to recognize harassment, to understand what they can do to prevent it from occurring, and to know how to stop it if it does occur.

WHAT IS SCHOOL-BASED HARASSMENT?

School-based harassment is unwanted behavior of a nonverbal, verbal, written, graphic, sexual, or physical nature that is directed at an individual or group on the basis of race, sex, or national origin. But harassment is not about sex, race, color, or ethnicity. It is about intimidation, control, misuse of power, and the attempt to deny the victim equality. It can be blatant or subtle, a single incident or a pattern. It can happen between students, between adults, or between an adult and a student. It can happen at any age.

Eye of the Beholder

The intent of the person doing the harassment makes no difference whatsoever. The person on the receiving end is the one who decides whether the behavior is offensive.

For behavior to be considered illegal, it must be unwanted, repeated, and cause harm. Just because a student or employee does not speak out or make a complaint immediately does not mean the conduct is welcome. A victim might feel that objecting would only result in increased harassment, might be embarrassed, confused, or fearful to complain or resist. Also, a target of sexual harassment may willingly participate in conduct on one occasion and decide on a subsequent occasion that the same conduct has become unwelcome.

The key perspective in a dispute over unacceptable behavior is that of the recipient of the behavior. This is what is called "the eye of the beholder." For harassers who claim that they were only kidding or just having fun, an appropriate response is that if it hurts it isn't funny.

In any event, the victim no longer need suffer an emotional crisis. Now the standard is whether the harassing conduct interferes with the person's work or education. School authorities may consider the emotional reactions of the person claiming harassment, but should not require the victim to prove extreme distress. It is sufficient for the environment to detract from performance and discourage victims from remaining at the institution or taking advantage of programs or activities.

Types of Harassment

Harassment can be blatant or subtle. General guidelines for determining whether actions constitute harassment include the severity, pervasiveness, and persistence of the behavior. While some types of harassment are determined by the repetitiveness of the behavior, certain egregious behaviors need occur only one time to be considered unacceptable and illegal. Harassment often falls into one of the following categories.

BLATANT HARASSMENT. Includes such things as sexually, racially or ethnically motivated assaults, abusive graffiti, and verbal taunts and jeers meant to denigrate. Such incidents can escalate to serious abuse, violence, or death.

INSTITUTIONALIZED RACISM. Generally encompasses the collective effect of practices and behaviors that prevent a targeted group from fully realizing the benefits of their own efforts or from sharing in publicly supported opportunities and activities.

Acceptable Contact

Not all physical conduct is sexual in nature. Generally acceptable behaviors might include a high school coach hugging a student who made a goal or a kindergarten teacher consoling with a hug a youngster who skins a knee.

Murray and Clark, writing in the *American School Board Journal*, identified eight patterns of racism that constitute institutionalized racism in schools.

1. Hostile, insensitive acts
2. Harsher sanctions against particular ethnic groups
3. Bias in attention: public praise, help, encouragement
4. Bias in selection of curriculum
5. Unequal instruction: allowed misbehavior, unchallenging work
6. Bias in attitudes: favoritism, "You're not like other
7. Failure to hire people of color
8. Denial of racist actions

Stereotypes of racial groups in textbooks or in school plays create an atmosphere that fosters harassment and encourages more hurtful forms of behavior. Different treatment by adults such as harsher consequences for misbehavior or lower expectations in class are forms of institutionalized racism.

QUID PRO QUO. Submission to unwanted sexual behavior is made a condition of employment or of an educational decision such as a grade. Quid pro quo is relatively easy to recognize, but even a single incident constitutes sexual harassment. In the case of an adult and student, quid pro quo can happen even if the student appears to be a willing recipient of the behavior.

HOSTILE ENVIRONMENT. The behavior has the purpose or effect of creating an intimidating, hostile or offensive working or learning environment. Like institutionalized racism, a hostile environment is subtle. Generally it must involve multiple, varied, and frequent occurrences. Schools may be held responsible for a hostile environment because schools are expected to control the educational environment. Generally, four elements must be present to make a district liable for a hostile environment.

1. Harassment must be based on a person's sex, race, or color.
2. The victim did not invite the behavior, and the behavior is unwelcome to the victim.
3. The behavior is sufficiently severe or pervasive as to alter conditions of the school's climate (a single incident does not equal a hostile environment; however, schools are obligated to advise the perpetrator that the behavior is inappropriate and unacceptable).
4. The school district must have known of or *should have known* of the harassment and failed to take prompt effective remedial action. Normally, the victim must have made a complaint to a responsible school official. However, schools can receive notice of harassment in a variety of ways, including:
   - The student files a grievance.

- The student complains to a teacher who notifies the administration
- The student, a parent, or another individual contacts the principal, campus security, or an affirmative action officer
- A responsible employee witnesses and reports the harassment
- The school receives notice indirectly—from a member of the school staff or educational community, or the media
- From a flyer posted in the school or distributed at school events

Synonyms for Harassment

Besiege: make anxious, encircle, beset

Fatigue: weary, exhaust, wear out, wear down

Harm: hurt, damage, curse, destroy, crucify, torture, threaten

Intimidate: cow, browbeat, bludgeon, bully, heckle, terrorize, demoralize

Torment: annoy, nettle, provoke, disturb, exasperate

Vex: aggravate, plague, irk

Trouble: distress, inconvenience, concern, worry, puzzle

Persecute: oppress, victimize, hound, hunt

Some Guidelines

Because of the complexity of the definition of harassment and the differences in individual responses to various behaviors, it is virtually impossible to prepare a complete list of all unacceptable behaviors. However, unacceptable behaviors may be thought of in three categories:

- Behaviors that are clearly unacceptable: physical assault, touching someone's genitals, repeated, defamatory insults, blocking someone's way, stalking, and insults
- Behaviors that are offensive to some people and not to others: jokes, language, and teasing
- Behaviors that may or may not be offensive depending on how they are done: touching, compliments, and asking someone for a date

Members of the harasser's group tend to see many of these behaviors as relatively innocent or benign. Members of the affected group, however, may experience these behaviors as part of an environment that is derogatory and hurtful.

Is it Hostile?

To determine whether a hostile environment exists, consider whether the victim viewed the environment as hostile, whether it was reasonable for the victim to view the environment as hostile, and consider all the relevant circumstances including:

- The nature of the conduct
- How often the conduct occurred
- How long the conduct continued
- The age of the victim
- Whether the conduct adversely affected the student's education or educational environment
- Whether the alleged harasser was in a position of power over the person subjected to harassment
- The number of alleged harassers
- The age of the alleged harasser
- Where the harassment occurred
- Other incidents of harassment at the school involving the same or other students

To determine whether it is reasonable for the victim to view the environment as hostile, use the "reasonable person standard." If a reasonable person of the same race or color would view the behavior as harassment or if a reasonable person of the same sex would view the behavior as harassment.

Harassment Can Be Many Things

Harassment is unwanted behavior of a nonverbal, verbal, written, graphic, sexual, or physical nature that is directed at an individual or group on the basis of race, color, sex, or national origin. OCR guidance for investigating racial incidents and harassment includes analysis of the severity, pervasiveness, and persistence of the behavior. Specifically, harassment can be:

- Name calling
- Racial, sexual, or ethnic slurs
- Racial, sexual, or ethnic jokes
- Graffiti of a racial, ethnic, or sexual nature
- Racially or ethnically motivated fights or assaults
- Rape or sexual assault—actual, attempted or threatened
- Turning discussions to sexual topics, sexual innuendoes or stories, asking about sexual fantasies, preferences, or history
- Vandalism
- Unwanted looks or gestures (for example, deliberate touching, leaning over, cornering, or pinching)

- Repeated unwanted letters or telephone calls
- Materials of a racist or sexual nature
- Displaying or distributing sexually explicit or racially or ethnically demeaning drawings, pictures, or written materials
- Pressure for sex favors
- Telling lies or spreading rumors about an individual's personal life
- Comments about a person's anatomy or looks; persistent personal questions about social or sexual life
- Giving unwanted personal gifts; hanging around a person
- Making sexist or racist gestures with hands or through body movements
- Spreading rumors about or rating other students as to sexual activity or performance
- Inappropriate staring at someone in a sexually suggestive manner
- Staring at someone in an intimidating or demeaning manner because of their race or color

Harassers Can Be Young

- A study by the Anti-Defamation League and the University of California at Berkeley found that "by the age of 12, children have already developed a complete set of stereotypes about every ethnic, racial, and religious group in society." Younger children are aware of how others are like or not like them.
- In 1993, OCR found that in Eden Prairie School District in Minnesota, a second grader and seven other students had been sexually harassed. "The fact that neither the boys nor the girls were sufficiently mature to realize all of the meanings and nuances of the language that was used does not obviate a finding that sexual harassment occurred," OCR found. "In this case there is no question that even the youngest girls understood that the language and conduct being used were expressions of hostility toward them on the basis of their sex."
- Research by the National Center for Prevention and Treatment of Child Abuse and Neglect found that 25 percent of 1,600 sex offenders said they began abusing other children before the age of 12, and 200 sex-offender treatment centers in the United States treat children younger than 10.

Not a Rite of Youth

Despite the research indicating the pervasiveness and debilitating effects of school-based harassment, some teachers, administrators, community members, and students still believe the examples are just childhood teasing or bullying, a normal part of growing up, or the boys-will-be-boys syndrome.

With increased public awareness of harassment, parents are invoking Title IX of the Education Amendments of 1972 and Title VI of the Civil Rights Act of 1964, and courts are increasingly drawing a line against such behavior.

Indications of Unexpressed Harassment

Increased absences

Decreased productivity

Complaints about personality problems

Changes in personality or behavior

Depression

Anxiety

Still, in too many instances, schools are not reacting appropriately. *Secrets in Public: Sexual Harassment in Our Schools*, a 1993 survey for the Wellesley College's Center for Research on Women and the NOW Legal Defense and Education Fund, found that nearly 40 percent of 4,200 girls surveyed said they were sexually harassed daily at school. Even when they told a teacher or administrator about the harassment, nothing happened in 45 percent of incidents reported.

While the boundaries may be blurry between bullying and school-based harassment attributed to sex, race or color, bullying and harassment are not the same. Harassment involves the use of sex, race, color, or national origin to differentiate power. Younger children may not understand the words and behavior in the same way as older students, but they do understand the power or impact that their words and behavior have on their targets.

And along with the harm to the victims of school-based harassment, bystanders are also affected. If adults allow such behavior to go unchecked and unpunished, youngsters can believe such behavior is permissible.

In the case of sexual harassment, there may be confusion about whether a behavior is flirting or harassment. To determine which it is, ask whether the behavior:

FLIRTING	HARASSMENT
Feels good	Feels bad
Is a compliment	Is degrading
Is wanted	Is unwanted
Makes one feel happy	Makes one feel sad or angry
Increases self-esteem	Hurts self-esteem

Problems Created by School-Based Harassment

The impact of harassment on a student's educational progress and attainment of future goals can be significant and should not be underestimated. In the 1997 pamphlet, OCR advises that as a result of harassment, a student may:

- Have trouble learning
- Drop a class or drop out of school altogether
- Lose trust in school officials
- Become isolated
- Fear for personal safety
- Lose self-esteem

The American Psychological Society, in *Violence and Youth: Psychology's Response* (1993), writes that prejudice and discrimination damage the self-confidence and self-esteem of those discriminated against and lay a foundation for anger, discontent, and violence. When dissension occurs between students, harassment should be considered as a possible cause.

How It Feels

Targets of harassment may feel confused, guilty, helpless, angry, frightened, hopeless, scared and alone. They may think, I can't believe this is happening to me. Why me? What did I do? I hate you for doing this. If I say anything, everyone will think I'm crazy.

In the AAUW survey on sexual harassment, 23 percent of the victims of sexual harassment reported that they did not want to go to school as a result; 24 percent said the harassment had caused them to stay home or cut a class; 12 percent had thought about changing schools; and 3 percent actually changed schools.

Being harassed can make students restrict their activities to avoid further harassment, going so far as to give up sports and other extracurricular activities, changing their routes to school, or even avoiding friends.

Racial tension, including harassment, often leads to the isolation of racial and cultural groups within schools. In *Cooperative Learning, Multicultural Functioning, and Student Achievement* (1990), Parrenas and Parrenas note that "the problem of poor race relations among students is progressive. Each school year, students choose fewer friends outside their own ethnic or cultural group. . . . By the end of elementary school they begin to segregate themselves along race lines. Racial divisions and tensions increase through middle school, culminating by high school in students isolated from those in other racial groups. Whether or not there is the appearance of racial gangs, there is racial tension." For a multicultural society like ours, this isolation of racial and cultural groups has far-reaching negative effects, and is acted out in the workplace.

For some students, harassment has serious consequences for their self-esteem. Forty-eight percent of all students in the AAUW survey said they were very upset or somewhat upset as a result of harassment, but 70 percent of girls compared with 24 percent of boys felt this way.

Potential Effects of Harassment

- Depression, anxiety, shock, denial
- Anger, fear, frustration, irritability
- Insecurity, embarrassment, feelings of betrayal
- Confusion, feelings of being powerless
- Shame, self-consciousness, low self-esteem
- Guilt, self-blame, isolation
- Headaches
- Lethargy
- Gastrointestinal distress
- Dermatological reactions
- Weight fluctuations
- Sleep disturbances, nightmares
- Phobias, panic reactions
- Sexual problems
- Drop in academic or work performance
- Absenteeism
- Withdrawal from work or school
- Change in career goals
- Loss of employment or promotion

Some Common Misperceptions

We were all most likely raised and socialized in a biased environment and may unwittingly demonstrate biased attitudes and behaviors. Behaviors that constitute harassment are often so habitual and have gone unchallenged for so long that individuals don't recognize that such behaviors and attitudes are no longer tolerable and that persons subjected to such behavior are entitled to and now have avenues of recourse. In addition, permitting such attitudes to go unchallenged can allow a climate conducive to harassment to develop. Some common misperceptions are:

Individuals sometimes invite harassment by the way they act or dress.

Nobody invites abuse or harassment. The key point is that individuals must be fully accountable for their own behavior. One person's attire or actions may not be used to excuse another person's abusive behavior.

Talking about harassment and the right to sue encourages people to file false complaints and lawsuits.

Even when complaints are true, victims are sometimes reluctant to proceed with a complaint because doing so might expose them to further injury and humiliation. Still, administrators should not take any official action until investigation of a complaint is complete. The accused person is entitled to all rights of due process. Students and all employees must be trained to understand that intentional false accusations will not be tolerated and those who file such complaints will receive appropriate disciplinary action.

Harassment is usually a case of one person's word against another's.

It is possible that a complaint will be filed with no corroborating evidence, such as witnesses. In that case, the investigator should listen carefully to the full account of both the complainant and the accused. If both parties are credible, the investigator may not be able to take any action other than to remind both—not as disciplinary warnings—of the laws and policies prohibiting harassment. It is possible, however, for the investigator to make a decision about who is telling the truth and even impose discipline based on discrepancies in the stories and past records of the individuals involved. The investigator should record clear reasons for any action taken.

If I see student-to-student harassment, but no one complains, I don't have to do anything about it.

Silence implies consent. One of the standards used to determine an institution's liability is whether the institution knew or should have known that illegal behavior was occurring. Staff has a legal and ethical obligation to protect students being subjected to illegal behavior, and a staff member's intervention should be supported by the administration. The victim may feel too intimidated to complain, or may not realize that she or he does not have to endure such treatment.

Patterns to Watch for in Yourself

Discriminatory actions

Harsher sanctions for members of certain racial or ethnic groups or for one sex

Bias in positive attention (praise, help, encouragement)

Bias in selection of curriculum

Denial of racist, sexist or ethnocentric actions

This is just a normal part of growing up—after all, kids will be kids.

Intentionally causing someone else harm is neither normal nor natural. Excusing harassment by saying "Kids will be kids" relieves perpetrators of accountability, and it does not account for adults who engage in unacceptable behavior.

Someone who complains about a little teasing just can't take a joke.

It is possible that some behaviors may offend some people and not others. For language, jokes and teasing to meet the definition of harassment by "causing harm," most often it would have to be repeated; that is, become a "pattern of behavior," unless the comments were particularly egregious. The reasonable person, reasonable woman or reasonable student standard may be used to evaluate such a claim. What may be intended as a joke or harmless teasing may not be received as such. The perspective that counts is that of the "beholder."

Cracking down on jokes and teasing will lead to a boring and humorless learning environment and workplace.

Anti-harassment policies are aimed at repeated, unwelcome conduct, not at friendly relations among coworkers or students. Social interaction that is mutually enjoyable is fine, as long as it doesn't interfere with work or learning and doesn't offend others. The aim of an anti-harassment policy is to eliminate offensive and illegal interactions, not all interactions.

If a student tells a responsible adult that he or she is being harassed, but implores that nothing be done about it, that person does not have to report the complaint.

The adult is in the delicate position of taking a course of action that will not lose the trust of the student, yet will stop the behavior causing harm to the student and protect the adult and school against liability. The adult should:

- Listen to the student's entire story.
- Tell the student that if such behavior is occurring it is illegal and the school is required to intervene.
- Inform the student of recourse options.
- Seek the student's permission to consult with her or his parents or guardians and then do so.
- Make a detailed record of the complaint.
- Report the complaint to an administrator.
- Tell the student that no action will be taken without his or her knowledge.
- Arrange weekly check-ins to see how the student is doing.
- Keep a record of each check-in.

The administrator should immediately gather information, and then take action as appropriate. The administrator should consider issuing a general reminder to all staff and students that harassment is a violation of policy and law and will be dealt with severely.

Legal Implications

School-based harassment is a violation of Title VI and Title VII of the Civil Rights Act of 1964 and of Title IX of the Education Amendments of 1972 (see page 39, Legal Foundations). Schools are responsible for illegal actions they know about or should have known about and are obligated to prevent harassment in the school by anyone. This means districts must react to harassment of students and employees at the hands of employees, non-employees, and students.

Federal law requires schools to have a policy against race and sex discrimination and to notify employees, students and parents of the policy. Compliance includes monitoring and implementing proactive efforts to foster prevention. Under Title IX, schools also are required to adopt and publish grievance procedures for resolving discrimination complaints, including harassment. In addition, schools are required to have at least one employee responsible for coordinating efforts to comply with Title IX.

If a school finds there has been harassment, the obligation is to stop it and ensure it doesn't happen again, according to the U.S. Department of Education. This means ending any quid pro quo, eliminating a hostile environment, preventing harassment from occurring again, and, when appropriate, correcting the effects on the student who has been harassed.

Ameliorating the effects of harassment takes judgment and common sense, the Office for Civil Rights advises. For an older student, appropriate action may mean suspension. For very young children, appropriate steps may mean a discussion of respect for others.

STRATEGIES FOR PREVENTING AND RESPONDING TO SCHOOL-BASED HARASSMENT

What risks are you going to take to make change in your school climate?
—Charles Moose, Portland Police Chief

Overview

Adopting strong preventive measures is often the best way to confront the problem of school-based harassment. At a minimum, such measures should include:

- Strong, well-publicized policies and procedures.
- Training for all district employees.
- Informing students, parents, and community members about what constitutes harassment, the district's intolerance for harassment of any kind, consequences for harassment, and the recourse available for victims of harassment.
- Classroom and curricular strategies for establishing and reinforcing equitable attitudes and actions.

Preventing harassment requires knowing what constitutes harassment, what to do about it, and what the root causes are.

Other considerations include:

- Creating a coalition of teachers and students to guide and implement the approach.
- Forming relationships with community service providers. Inviting local community groups to make presentations and conduct workshops for teachers and students. Creating a directory of local and other consultants to be made available throughout the district.
- Developing strong links with the community. Family and community support is critical to the success of any effort to reduce harassment. A handbook for parents may help reduce parent concern and build support.
- Using multicultural education as a tool for harassment-free learning or working environments.

In addition, each of us needs to periodically review our own attitudes and biases. To overcome unrecognized prejudices within yourself, keep the following checklist in mind:

- Improve your communication skills. Listen. Test for understanding—yours and others. Adjust to the communication styles of others.
- Respect differences.
- Remember that when misunderstandings arise, a difference in communication styles may be the problem.
- Use language that fosters trust and alliance.

- Avoid inappropriate jokes, words, or swearing.
- Be honest about lack of specific knowledge about another culture.

Are there times when your behavior might be viewed as harassing?

- Pay attention to how others respond to what you do and say.
- Don't assume that your peers or coworkers enjoy comments about their appearance, hearing sexually or racially oriented jokes or comments, being touched, stared at, or propositioned.
- Think about the impact of what you do and say on another person's attitudes toward work, job performance, and self-esteem.
- Talk to your close friends or family members about experiences they might have had with sexual or racial harassment. As people describe the vulnerability, powerlessness, or anger they experienced as recipients of harassment, relate those feelings to experiences you have had.
- If you are a leader or supervisor, do not assume that individuals who work for you will tell you if they are offended or harassed by what you say or do. Remember that one of your employees may be "smiling on the outside, but cringing on the inside" simply because you are the boss.

Remember that harassment is against the law. Recent court decisions have resulted in both organizations and individuals paying large fines.

Policy

Students, parents and employees should be familiar with a district's anti-harassment policy and procedures, and schools should post copies of them in prominent places. Annual inservice trainings, assemblies, and community meetings should be held with students, employees, and the community to review the policies and procedures as well as the district's commitment to preventing and eliminating all forms of harassment. Also, the district should have a procedure in place for ensuring that all new employees are thoroughly grounded in the district's anti-harassment policies.

A strong, well-publicized policy that victims feel comfortable using is crucial for preventing school-based harassment. In addition, designating a high-level administrator to oversee and ensure compliance with laws related to harassment emphasizes the seriousness with which the district views harassment. Some elements of a strong anti-harassment policy are:

- Guidelines to help explain what constitutes harassment.
- Examples of behaviors that could constitute harassment.
- Consequences for harassing behavior.
- Names of people—including at least one man and one woman in each building—to whom victims can go when they feel they've been harassed.

- Approximate length of time it should take to investigate a complaint
- Consequences of a staff member not responding to a complaint
- How parents will be involved
- What help is available to victims and perpetrators

Policy Responses

- In response to parents' concern over the handling of two high-profile racial harassment incidents at a local high school and their charges of disparate treatment of students of color, a district in Washington state formed a diversity taskforce and developed a 70-page diversity plan for the district. The plan, developed with substantial community input, includes these key features: an ombuds program to investigate complaints of discrimination and harassment; a discipline recording system; annual training for all staff regarding the district's zero tolerance policy for racial harassment and discrimination; analysis of underrepresentation of students of color in honors and gifted programs; and an evaluation process to ensure diversity in class curriculum.

- Under a 1993 settlement with OCR, a district in California had to develop a formal policy for handling complaints of racial harassment and disciplining offenders; assign an administrator to monitor racial issues; institute staff training; and appoint a community task force to study race relations in the district. This is in response to charges that a racially hostile environment existed in the schools.

- Although the Eden Prairie School District in Minnesota had policies and procedures prohibiting sexual harassment, school staff neither understood nor applied them. When the incidents occurred—boys calling girls sexually derogatory names and physically intimidating them, among other things—district personnel tried to call such behavior "inappropriate acts," not sexual harassment. The Office for Civil Rights ruled the behavior was in fact harassment.

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How to Publicize a Harassment Policy

The Office for Civil Rights recommends these steps to publicizing an anti-harassment policy and grievance procedures:

1. Publish the policy and grievance procedures as separate documents and make copies available at various locations in school.
2. Include the policy and a summary of the procedures in the school's major publications.
3. Identify individuals who can explain how the procedures work.
4. Designate an employee with indepth legal knowledge of harassment issues and the school's grievance procedures as your complaint investigator.

Suggestions for Implementing a Harassment Policy

- Inform students about harassment, types of harassing behaviors, the district's prohibitions and sanctions, and how to respond if they are subjected to harassment.
- Tell parents that the district has policies against racial and sexual harassment and what they should do if their child is a target of harassment.
- Inform the community that the district does not tolerate harassment.
- Train teachers to recognize, prevent, and counteract harassment. Have awareness sessions at each school. Focus on an overview of the problem of harassment among peers; what the survey research data say about peer harassment; curricula and supplementary resources for teaching students appropriate behaviors; policies and sanctions; and demonstrations of lessons for students.
- Additional training may be needed for certain employees—such as counselors, nurses, and social workers—who may be more likely to hear of harassment. Vice principals are most likely to have to implement sanctions and also need additional training in implementing policy. Supervisors need supplemental training on how to discuss sensitive issues with employees and how to confront suspected harassers.
- Follow up all training with periodic retraining, observations, and feedback.

Grievance or Complaint Procedures

In addition to an anti-harassment policy, school districts should have specific grievance procedures to deal with harassment. (Title IX regulations require schools to have grievance procedures applying to all forms of sex discrimination.) Grievance procedures are often an effective way of preventing and dealing with this problem.

Elements of effective grievance procedures include:

1. Notice given of the procedure, including where complaints can be filed, to students, parents, and employees.
2. Impartial investigator assigned to the complainant.
3. Parties involved given the opportunity to present witnesses and other evidence.
4. Time frames set for the major stages of the complaint process.
5. Notice given to the parties of the outcome of the complaint.
6. Assurance given that the school will take steps to prevent recurrence of any harassment, and that it will correct its effects on the complainant and others where appropriate.
7. Prohibition of retaliation for filing a complaint or participating in an investigation or inquiry (a legal requirement under federal law).

In addition, many schools find grievance procedures are even more effective if they:

- Provide an opportunity to appeal the findings and/or remedy.
- Include a formal and informal means for resolving complaints.
- Keep students informed of the status of their complaints.
- Include an assurance that false reports will not be tolerated and identify sanctions for violations.

Questions to Ask Someone Reporting Harassment

1. Who did it?
2. When did it happen?
3. Where did it happen?
4. What did the person do specifically?
5. What was your response?
6. What was the response of the harasser?
7. Were there any witnesses?
8. Has anything like this happened before?
9. What actions would be required to resolve the situation to your satisfaction?

Questions to Consider

OCR suggests these questions when developing or evaluating an anti-harassment grievance procedure:

- Is the procedure flexible enough to accommodate the wide range of types of harassment?
- Can a student be accompanied by a friend or advisor throughout the complaint process?
- Does the grievance procedure provide an opportunity for informal consultation and, where appropriate, informal resolution before moving into formal procedure?
- After initial contact in the procedure, does the complainant have: control over whether future institutional action will be taken and an opportunity to participate in decisionmaking regarding the method for resolving the matter?
- Is the grievance procedure process credible to the constituency it is designed to serve?
- Are persons of authority, credibility, and sensitivity involved in the grievance process?
- Does the grievance procedure provide for independent and impartial investigation which produces persuasive findings based on thorough fact finding, careful review, and opportunity for appeal?
- Is every effort made to protect the confidentiality of the parties?
- Are the rights and reputations of both complainant and recipient protected?
- Is the opportunity for reprisal and retaliation minimized?
- Are there time frames in the procedure to investigate and resolve a complaint?
- Is a thorough investigation and timely remedy possible within the established timetable?
- Does the grievance procedure include appropriate remedy for the complainant and institutional corrective action where there is a finding of harassment?
- Does the procedure include provisions for quality control, tracking, record-keeping, and data retrieval?

Guidelines

In addition to a strong policy and effective grievance procedures, districts should establish clear guidelines for students and employees about appropriate and inappropriate behavior. Staff and faculty must clearly understand behavioral and physical contact boundaries in their relations with students. To establish clear guidelines for appropriate behavior, schools should:

- Adopt/develop and deliver a curriculum defining appropriate and inappropriate behaviors (see page 43, Resources and References)
- Communicate procedures for reporting inappropriate behavior
- Train all employees in effectively confronting and reporting harassment

Responding to Reports of Harassment

The days of "innocent bystanding" are gone. How a district responds to harassment demonstrates the district's commitment to preventing and eradicating harassment. Schools should take all complaints about harassment seriously and investigate complaints promptly, thoroughly, and consistently with policy and procedures. Telling a victim to ignore the harassment is not appropriate. The courts have not narrowly defined how severe or pervasive harassment must be to be actionable. It may be enough for a victim's emotional well-being, sense of safety, or self-esteem to be adversely affected for he or she to have legal recourse. Consider the alleged behavior or circumstances from the victim's perspective.

When harassment is identified, school officials should move quickly and decisively to stop the harassment, punish the offenders, and provide any needed redress to the victim or victims. If a student or parent reports harassment, explain the district's grievance procedures and offer the student or parent the opportunity to use them.

Even before an investigation is complete, interim steps may need to be taken. If applicable, report the harassment to law enforcement, separate the students, or allow the person claiming harassment to transfer to another class. Prevent public disclosure of the names of all involved except as necessary to find out what happened. Pay attention to any due process or other rights of the accused, but ensure these don't interfere with protections provided to the complainant by the law. All details of the incidents and the actions taken by the school should be thoroughly documented.

It is essential to ensure that no harm comes to a student for reporting incidents; take steps to prevent retaliation by anyone. Tell the complainant that the law prohibits retaliation, and reassure the student that the school will take strong responsive actions if it occurs.

A student may request confidentiality or ask that the matter not be pursued. Nonetheless, the school must consider whether the alleged harassment may affect other students, and if so, may need to take action to prevent those students from being harassed. At a minimum,

Barriers to Reporting Harassment

Uncertainty about what it is

Fear of retaliation

Guilt for somehow provoking it

Fear of being named for provoking it

Reluctance to hurt a peer or respected authority figure

Fear of being disbelieved or ridiculed

Avoidance of conflict

Fear of taking action for which one is unprepared

the school should track the incident so repeat offenders can be identified and action taken against them if necessary. When receiving a report of harassment, all school employees should keep in mind:

- Don't blame the student or question the student's motives. Harassment can be hard to report. It is wrong and illegal, and federal law requires your school to have policies against it.
- Take thorough notes about the student's experience. Advise the student about your school's Title IX coordinator or other employee designated to receive complaints about harassment.
- Explain the grievance procedure to the student, then follow the established procedures. Review your school's policy or ask a supervisor if necessary.
- Inform the student of outside agencies that can assist if the complaint is not resolved satisfactorily.
- Provide specific information about how the student can obtain continued guidance and support.

One District's Approach

The March 1995 *IDRA Newsletter* of the Intercultural Development and Research Association in San Antonio, Texas, highlights the following approach used by a Texas school district to implement an anti-harassment program:

1. Convened a meeting with a core group of individuals, selected campus principals, representatives from the district's discipline committee, selected counselors, and nurses. This committee reviewed all documents containing any reference to harassment to:
   - Ensure they provided a clearly stated policy and procedures regarding harassment.
   - Note any significant discrepancies or omissions.
2. Provided an overview of peer-to-peer harassment to principals at each of the elementary and secondary schools to:
   - Raise awareness about the prevalence of harassment among students and the legal issues.
   - Review the proposed changes and modifications to the policies, procedures, and sanctions resulting from the first committee meeting.
   - Discuss the training and implementation plan for staff and students.
   - Provide input regarding letters of notification to parents about the upcoming awareness training for students.
3. Provided a community awareness meeting for community representatives to learn about the district's plan to prevent harassment in the schools.

4. Created an introductory presentation for secondary students on
   - What harassment is
   - What behaviors constitute harassment
   - What the prohibitions against harassment are
   - What to do if they are being harassed
5. Provided four days of training to selected representatives from each of the district's schools using a trainer-of-trainers approach. Training focused on
   - An overview of the problem
   - What the survey data say about student-to-student harassment
   - Curricula and supplementary resources for teaching appropriate behaviors
   - Policies and lesson demonstrations
6. Included a training and planning meeting of counselors, nurses, and social workers from throughout the district in anticipation of possible disclosures and complaints of harassment. The purpose was to
   - Provide an overview
   - Plan efforts to support students who had been targets
   - Provide counseling or other related support to students doing the harassing
7. Included follow-up activities by an outside equity coordinator
   - Observations and feedback of the training awareness sessions
   - Input on the training implementation

Examine Your Actions

The following suggestions—intended to spur reflection, not to be exhaustive—may help individuals who hold special positions in the education community to examine their own actions. You may also wish to use these suggestions to assess the extent of harassment in your classroom, school, district, or community. Try using a questionnaire, informal discussions, interviews, or even a survey based on these items. You will determine the extent of the problem and also provide subjects with a sense of your interest in and concern about their circumstances.

School Board Members and District Administrators

Do I undertake these actions on an ongoing basis?

- ✔ Support and receive training on harassment issues
- ✔ Invite community and parents to participate in harassment training activities
- ✔ Publicize commitment to preventing harassment and expectations about behavior for staff and students
- ✔ Hold community forums on the topic

- ✔ Publish information in newsletters, pamphlets, notices, newspapers, letters (to the community, students, staff, parents)
- ✔ Speak to staff, students, parents, and other organizations
- ✔ Post policies and procedures in buildings
- ✔ Make sure students receive information about harassment
- ✔ Keep current with new harassment information
- ✔ Supervise and evaluate administrators
- ✔ Visit schools to see what's happening there

School Administrators

Do I undertake these actions on an ongoing basis?

- ✔ Survey students and staff or conduct focus group discussions to determine the climate and extent of harassment in the school
- ✔ Recognize and confront my own biases and ask other staff to do the same
- ✔ Provide training for all school employees - including classified staff—about behaviors that constitute harassment, procedures to follow in instances of student harassment, and prevention strategies
- ✔ Implement a monitoring system on buses
- ✔ Show respect and consideration to everyone regardless of race, color, national origin, sex, age, marital status, parental status or physical condition
- ✔ Interact in a positive way with people who are different from me
- ✔ Confront any biased or discriminatory behavior that I encounter, deal with it directly, and contact the appropriate person or agency
- ✔ Hire staff representing the ethnic composition of the community
- ✔ Train staff and students in the damaging effects of racial or sexual harassment, including verbal harassment
- ✔ Establish a policy against racial and sexual harassment, and make staff and students aware that such behavior will not be tolerated
- ✔ Evaluate staff on a regular basis to monitor awareness of harassment policy and procedures
- ✔ Set an example through modeling
- ✔ Arrange training for staff throughout the school year
- ✔ Include harassment policy and procedures as part of new staff orientation
- ✔ Inform and verbally express standards for my building, review district policy in handbook and procedures

- ✔ Set clear expectations of behavior for staff and students
- ✔ Proactively deal with situations before a crisis occurs
- ✔ Keep staff informed on occurrences
- ✔ Designate a support person teachers can talk to
- ✔ Communicate harassment issues or concerns with designated harassment complaint manager
- ✔ Speak up every time I witness harassment
- ✔ Take the initiative to get training and educate myself
- ✔ Ensure that harassment is included in the curriculum
- ✔ Provide an atmosphere where students can share harassment information
- ✔ Encourage families to advocate for their children

Further, has the entire staff been trained to understand the following concepts?

- ✔ What constitutes racial and sexual harassment
- ✔ What to do if they feel they are a target of harassment
- ✔ What their rights are as alleged victims and as accused perpetrators
- ✔ How to intervene if they witness peer-to-peer student harassment
- ✔ What to do if a student complains about being harassed, but doesn't want to file a complaint
- ✔ What to do if a students wants to file a complaint
- ✔ The connection between equity concepts in general and the reduction or prevention of harassment

Teachers

Do I undertake these actions on an ongoing basis?

- ✔ Communicate harassment issues or concerns to the designated harassment complaint manager
- ✔ Speak up when I witness harassment
- ✔ Take initiative to get training and otherwise educate myself
- ✔ Have a clear understanding of policy and procedures
- ✔ Create and provide an atmosphere where students can share harassment information
- ✔ Have visuals (posters, etc.) in the classroom that promote all races, both sexes, and diverse ethnicities
- ✔ Use multicultural curriculum

- ✔ Show respect and consideration to everyone regardless of race, color, national origin, sex, age, marital status, parental status, or physical condition
- ✔ Interact in a positive way with people who are different from me
- ✔ Confront any biased or discriminatory behavior that I encounter, refuse to condone behavior that I find offensive by dealing with it directly and contacting the appropriate person or agency
- ✔ Teach students about stereotypes and prejudice and how to recognize the bias that may exist in the materials they use in school
- ✔ Make sure that all visuals in the classroom reflect human diversity

Counselors

Do I undertake these actions on an ongoing basis?

- ✔ Train students to be trainers and advocates
- ✔ Keep up with policy and procedures
- ✔ Conduct cultural awareness training in classrooms
- ✔ Communicate harassment issues or concerns to the designated harassment complaint manager
- ✔ Organize support groups
- ✔ Provide role-playing scenarios for discussion
- ✔ Ensure a safe, comfortable atmosphere for student disclosure to occur and provide ongoing support
- ✔ Act as parent liaison to administrators and students
- ✔ Act as a student advocate
- ✔ Act as a resource to staff members
- ✔ Advocate for staff and parents
- ✔ Serve as a link to appropriate resources for students and staff who have complaints
- ✔ Show respect and consideration to everyone regardless of race, color, national origin, sex, age, marital status, parental status, or physical condition
- ✔ Interact in a positive way with people who are different from me
- ✔ Confront any biased or discriminatory behavior that I encounter, refuse to condone behavior that I find offensive by dealing with it directly and contacting the appropriate person or agency

Professional Development and Training

Efforts to combat harassment must go beyond enacting policies. To have the maximum effect, efforts must focus on creating a climate free from bias and illegal discrimination. This is done most effectively through professional development and training for employees, students, parents, and community members.

All district employees should be trained in the district's policies and procedures as well as how to recognize harassment in all its forms. In addition to providing information and strategies, training sessions give employees a chance to talk with each other about the issues involved in harassment. This can be an important step in recognizing and addressing the problem.

Faculty and staff must understand behavioral boundaries in their relations with students and how to effectively confront, deal with, and report student-to-student harassment. Students and parents must understand what constitutes harassment, be aware of reporting procedures, and understand the steps that the school will take to eliminate harassment.

Suggestions for developing a training program include:

- Train students, faculty and staff to recognize and respond appropriately to harassment.
- Choose trainers carefully, focusing on trainers who bring a cooperative, problem-solving approach to training.
- Obtain or develop readable awareness materials that define and discuss harassment, prevention, and intervention (see Resources and References, page 43).
- Develop methods to educate new administrators, teachers, guidance counselors, staff, and students about the school's harassment policy and grievance procedures.

Some communities offer local speakers about harassment through groups such as the local speakers bureau, colleges and universities, Cooperative Extension, the Urban League, the NAACP, women's groups such as Business and Professional Women or the American Association of University Women, Girls Inc., Girl Scouts, or the state Division of Human Rights.

Curricular Concerns

An empowering educational setting challenges and rejects harassment and affirms pluralism. A school striving for equity allows such empowerment to permeate the curriculum, instructional strategies, and the interactions among teachers, students, and parents. Such an approach promotes mutual respect, excellence, and achievement for all by confronting historical and current inequities. It fosters responsibility, productivity, and active participation in a diverse and evolving society.

Often, however, such important topics are rarely discussed. They are "evaded curricula." Yet avoiding the issue reinforces the message that

harassment is private and individual, not societal and widespread. Evasion covers up the extent of the abuse and reinforces the shame that victims can feel. Schools and teachers can help by providing harassment awareness and prevention training and in the ways they teach every day in the classroom.

Effective harassment-specific content should include the following:

- The scope and range of harassment
- The culture of schools in terms of the part they play in promoting or ignoring harassment
- The roots of harassment
- The legal issues involved
- The links and similarities between victims and perpetrators of violence
- Procedures outlining the appropriate response for teachers, students, and administrators

Since students learn in different ways, teachers can stimulate their interest and promote discussion by using a variety of teaching techniques including role playing, group exercises, small group discussions, audiovisuals, community provider presentations, subject panels, and handouts.

On a day-to-day level, teachers can help by being conscious of the inclusivity of the content they teach—the selection of materials, the presentation of guest speakers, field trips, and examples used to demonstrate points. Teachers can foster inclusivity with existing curricula by:

- Using examples and content reflecting both sexes equally and a variety of cultures and races
- Helping students understand, investigate, and determine the implicit cultural assumptions and biases within a discipline
- Modifying teaching in ways that will facilitate the academic achievement of students from both sexes and all races and ethnic groups

Goals for Bias-Free Curricula

In reviewing your curricula for equity, it may help to keep the following goals in mind:

1. Enable students and staff to recognize and make appropriate responses about discrimination.
2. Provide students with multicultural experiences to enable them to interact and contribute more effectively in a pluralistic society and interdependent world.
3. Include ideas, perspective, and experiences of women and men of diverse ability, social, cultural, racial, and ethnic groups in all content areas.

4. Create a climate that enhances learning by recognizing the history and culture of all people.
5. Empower students and their families to become active participants in the process of learning.
6. Increase students' knowledge of diverse cultural attitudes, traditions, and values.
7. Assist students in developing a positive self-image.
8. Improve intergroup and interpersonal relations, communication, and understanding.
9. Provide an atmosphere that fosters respect for all languages and dialects.
10. Develop students' abilities to recognize and critically analyze complex social problems and issues such as harassment in contemporary society.

The following considerations are a more specific way of looking at curricula for inclusivity:

1. Does the curriculum provide for a balanced study of world cultures? Are students taught about contributions deriving from non-European sources? Are they taught to appreciate non-European cultures?
2. Do art, drama, literature, and music curricula include non-European examples?
3. Do curricula in current events, economics, government, history, social studies, and science include components pertinent to the past and present experiences of people of color? Are minority issues and perspectives included?
4. Do textbooks and course materials avoid stereotypes when they represent cultures?
5. Where the use of instruction materials containing stereotypes is unavoidable, are these images identified as stereotypes and then countered with more accurate information?
6. Do classroom display materials and instruction materials include representations of diverse international and domestic cultures and events in positive terms?
7. Does the curriculum include classroom components, such as cooperative learning activities or oral history projects, designed to reduce racial, ethnic, and cultural isolation?

Identifying Curricular Bias

In addition, educators may wish to examine curricula for bias using the following six checkpoints:

1. Invisibility: underrepresentation of certain groups, which can imply that these groups are of less value, importance, and significance.
2. Stereotyping: assigning only traditional or rigid roles or attributes to a group, thus limiting the abilities and potential of that group; denying students a knowledge of the diversity and complexity of, and variations among, any group of individuals.
3. Imbalance/selectivity: presenting only one interpretation of an issue, situation, or group; distorting reality and ignoring complex and differing viewpoints through selective presentation of materials.
4. Unreality: presenting an unrealistic portrayal of this country's history and contemporary life experience.
5. Fragmentation/isolation: separating issues relating to people of color and women (or other protected groups) from the main body of text.
6. Linguistic bias: excluding the roles and importance of women and girls by constant use of the generic "he" and sex-biased words. Linguistic bias includes issues of ethnicity, culture, and language proficiency as well.

The resource section in this guide provides information on specific curricula for preventing and eliminating harassment.

Personal Considerations for Educators

Racism and sexism are subtly entwined in virtually every aspect of our lives. Few of us can escape the effects. Yet there are ways to ensure that our actions fit our beliefs. Educators, students, parents, and community members can take steps to create an equitable atmosphere in which everyone is able to live and work in a harassment-free environment. We can start by examining our own attitudes periodically. It may be helpful to periodically rate oneself on the following list of questions.

1. Have I recently examined my own attitudes and behaviors in terms of how they contribute to or combat racist and sexist attitudes around me?
2. Have I sought to enhance my own awareness and understanding of racism and sexism by seeking out information, talking with others, reading, and listening?
3. Have I reevaluated my use of terms or phrases that may be perceived by others as degrading or hurtful?
4. Have I openly disagreed with a racist or sexist comment, joke, or action among those around me?
5. Would I have the courage to take a positive stand, even at some possible risk, when the chance occurs? Have I ever done so?

6. Have I become increasingly aware of racist and sexist television programs, advertising, news broadcasts, etc.? Have I complained to those in charge?

7. Have I acknowledged that white Americans are affected by subtle and pervasive racist messages from their schools, homes, media, government, etc., and are affected even when they do not desire to be intentionally racist?

8. Have I suggested and taken steps to implement discussions or workshops aimed at understanding racism and sexism with friends, relatives, colleagues, social clubs, or church groups?

9. Have I investigated political candidates at all levels in terms of their stance and activity against racist and sexist government practices before deciding how to vote?

10. Have I considered the curricula used in my school in terms of their treatment of racism and sexism, subtle and overt?

11. Have I contributed time or money to an agency, fund, or program that actively confronts the problems of racism and sexism?

12. Have my buying habits supported nonracist and nonsexist shops, products, and companies?

13. Have I become seriously dissatisfied with my own level of activity in combating racism and sexism?

14. Is my school a focus of my educational efforts in responding to racism and sexism?

Is My Behavior Okay?

- Would I want my comments or behavior to appear in the newspaper or on TV?
- Is this something I would say or do if my mother, father or guardian, girlfriend or boyfriend were present?
- Is this something I would want someone else to say or do to my mother, father or guardian, girlfriend or boyfriend?
- Is this something I would say or do if the other person's significant other were present?
- Is this something I would say or do in front of a person of another race or color?
- Would I object if someone made racist or sexist comments in my presence?

WHAT SCHOOL EMPLOYEES NEED TO KNOW

Harassment can occur between adults in the school workplace. Some estimates say sexual harassment affects 85 percent of U.S. working women at some point in their lives. Racial harassment, either blatant or institutional, is also often a fact of the American workplace.

In 1996 the courts settled a long-pending class-action suit against Texaco for its treatment of minority employees, epitomized in a tape of Texaco executives using racial slurs and discussing how to destroy evidence sought by the plaintiffs in the case. Plaintiffs have also been successful in suits filed against Denny's restaurants that told employees to keep Black patrons to a minimum by requiring only Blacks to pay in advance for their meals (despite the table-service orientation of Denny's), by seating them in the rear of the restaurant, and by stalling on their service or locking them out altogether.

The definition of harassment as it applies between adults is the same as for student-to-student harassment. If you believe you are a victim of harassment, you may decide to confront the offender or his or her supervisor immediately or you may take some time to decide how to proceed. In either event, you should document the harassment close to the time it occurs. You can do this by:

- Discussing the incident, talking with a friend or family member who could later verify that you gave a certain account of the incident at a certain time.
- Writing an account of the incident. This can take the form of a letter you send to the offender, but keep a copy that you send by certified or registered mail to yourself. If the envelope remains sealed, it can help establish later that you recorded such an account of the incident at a certain time.

If you decide to take steps to remedy the harassment, you can:

- Confront the harasser. Demand that he or she discuss the episode with you and make it clear you will not tolerate any further similar behavior. Tell the person specifically what he or she did that offended you.
- File a verbal or written complaint with your employer.
- Ask your employer to relocate you away from the harasser.
- Seek legal advice.

WHAT FAMILIES AND COMMUNITIES NEED TO KNOW

Harassment is not rare. The national AAUW survey found that 80 percent of students in grades 8 through 11 had experienced some form of sexual harassment. Another survey (O'Neil, 1993) found 20 to 25 percent of students had been the victims of racial harassment. Harassment is not rare, but it is wrong. Fortunately, there are ways to prevent it and ways to make it stop if it is happening to you or someone you know.

If you are concerned about harassment, inform yourself. You may want to read other parts of this guide. But don't stop there. Use this information to get started on the way to finding out what you can do about harassment.

Children's awareness begins at home and in the community. Family expectations, societal expectations, and portrayals in the media—especially television—affect how children view the world, which in turn influences how they view themselves.

Parents or guardians and community members can help a child develop bias-free attitudes and behavior by helping to promote a bias-free environment at home and in the community. Learning about harassment oneself—by reading this book, talking with others in the community, and seeking other sources of information—is the best way to start.

The following are some other ways you can promote an anti-harassment environment in your home and in your community.

- Provide education about harassment at home.
- Model appropriate behavior.
- Be aware of district policies, rights, and responsibilities.
- Report incidents to school administration.
- Ask teachers how they plan to address harassment in their classrooms.
- Include district/state harassment policy in parent newsletters.
- Be sensitive to harassment situations; stop neighborhood gossip and rumors.
- Be an advocate for children.
- Participate in training with staff and students.
- Have a zero tolerance policy for harassment.
- Teach children to respect people regardless of differences.

- Use nonbiased language at school, at home, and in the community.
- Make a conscious commitment to compensate for your own biases. Keep in mind that you were raised and socialized in a biased environment and may unwittingly demonstrate biased attitudes.
- Confront prejudice and discriminatory behavior that you encounter. Do not condone behavior that you find offensive. Deal with it directly and, if necessary, contact the appropriate person or agency.

WHAT STUDENTS NEED TO KNOW

Harassment is not rare. The national AAUW survey found that 80 percent of students in grades 8 through 11 had experienced some form of sexual harassment. Another survey (O'Neil, 1993) found 20 to 25 percent of students had been the victims of racial harassment. A 1995 teen health risk survey conducted in a large urban Northwest school district found that, while common, sexual harassment was reported as occurring less frequently overall than racial harassment. One student described the school climate in these words: "The biggest problem is racism. Each day things get a little more segregated."

Harassment is not rare, but it is wrong. Fortunately, there are ways to prevent it and ways to make it stop if it is happening to you or someone you know. If you are concerned about harassment, inform yourself. Read this section. You may also want to read other parts of this guide. But don't stop there. Use this information to get started on the way to finding out what you can do about harassment.

What Is Harassment?

Harassment is unwanted behavior, speech, writing, or pictures directed at an individual or group because of their race, color, sex, or national origin. But harassment is not about sex, race, or color. It is about intimidation, control, misuse of power, and the attempt to deny equality. It can be blatant or subtle, one incident or a pattern. It can happen between students, between adults, or between an adult and a student. It can happen at any age.

It does not matter if the person who is doing the harassment says he or she was only kidding or just having fun. If his or her behavior hurts someone, it is wrong.

Unacceptable behaviors fall into three categories:

1. Behavior that is clearly wrong any time it happens: grabbing someone's genitals, forced kissing, nasty insults, blocking someone's way, stalking.
2. Behavior that is offensive to some people and not to others: jokes, language, teasing.
3. Behavior that may or may not be offensive, depending on who is doing it or how it is done: touching, compliments, asking someone out for a date.

In the case of sexual harassment, it is important to recognize the difference between flirting and harassing behavior. Flirting is wanted and feels good. Harassment is unwanted and feels bad.

All harassment can make you feel guilty, trapped, helpless, frustrated, confused, resentful, angry, hopeless, and alone. Your own feelings and thoughts are a pretty good indication about what is happening to you. You might think: *I can't believe this is happening to me. Why me? What did I do? I hate you for doing this. If I say anything, everyone will think I'm crazy.*

Some Common Misconceptions

- *The person being harassed asked for it.* Nobody asks to be abused. Every person is accountable for his or her own behavior and cannot blame behavior on anyone else.
- *If it's not physical, it's okay.* This is not true. One person can severely torment another with comments or looks or in writing.
- *"They're just being kids" or "Boys will be boys."* Most young people do not harass others. Most boys and men do not harass girls and women. Harassment of any kind should never be expected or accepted.
- *Those being harassed complain just to cause trouble.* Most victims don't complain. The vast majority of those who do just want the behavior to stop.

What Are My Rights?

You have the right under federal law (and often state law) to go to school without being harassed. If harassment occurs, you have the right to take action to stop it. You have the right to be protected against retaliation.

Your school has the legal obligation to have a policy to prevent harassment and to deal with harassment if it happens. This policy should be written in your student handbook and posted in prominent places. It will describe your rights.

What Should I Do?

Remember that harassment is not that rare—you are not alone. Here are some things you can do if you think you are being harassed.

- Don't blame yourself—harassment is wrong.
- Keep a journal (not as part of your diary). When you write in your journal, note the date and time of the incidents, anything you do or say that indicates to the person who is harassing you that you want them to stop, any friends you tell and what you say to them, any reports—in writing or verbal—that you make to authorities and their responses or failure to respond.
- Tell a close friend—not to spread gossip, but to have moral support.
- Tell your parents.
- Talk to the perpetrator if you feel safe doing so. Tell him or her what they are doing, how it makes you feel, and that you want it to stop. You can also do this in writing, but stick to the facts. Keep copies of everything.
- Tell an adult at school. If that person does not do something to help you, tell someone else. Keep a record of all such conversations in your journal.
- Request that your complaint be kept as confidential as possible.

- Learn about your school's harassment policy. The first school employee you talk to is required to make sure you know about the policy. You may decide to handle the complaint either informally or formally, even after the school representative becomes involved.
- Ask what process will be followed to resolve your complaint. Follow the directions in your school's grievance procedure.
- If you feel your complaint is not taken seriously or if you think not enough was done, go to a person in higher authority such as a school board member or the superintendent. Keep documenting the harassing behavior and any steps you take.
- If you are scared, angry, or confused, ask for counseling and support.

We recommend you try to resolve the situation at your school, if at all possible, before involving the Office for Civil Rights or filing a lawsuit. However, if you are dissatisfied with the school's efforts, you can at any time contact the Office for Civil Rights in your area, your State Department of Education, your State Department of Human Rights, an attorney, or a police officer to file a complaint. If all else fails, you can file a lawsuit under the terms of Title IX of the Education Amendments of 1972 or Title VI of the Civil Rights Act of 1964.

After you decide what to do, you can check your decision by asking yourself these questions:

- Am I acting helpless? Am I doing what I can on my own to stop it?
- Is it a safe thing to do?
- Am I trying to solve the problem or am I trying to get even?
- Is it really a solution or am I hoping that the problem will go away by itself?
- Am I acting like it is my fault?
- Am I only hurting myself?
- Am I acting as if I have no rights?
- Are there other things that I can do that make more sense?

If you feel unsure about your decision, talk it over with a trusted adult or friend.

When You Must Tell

There are certain times when harassment is going on that you should immediately talk to a trusted adult or someone else. Talk to someone if

- The harasser tries to make you promise to keep the harassment a secret
- If the harasser is an adult
- If the harassment happens only when you are alone with that person
- If you are being physically threatened or hurt

If Someone Else Is Being Harassed

If you are a friend of someone being harassed, you can sometimes do more than anyone else. Be a good listener. But don't act on your own without the person's permission—that might make your friend feel even more helpless. Help your friend decide what to do and then be supportive. Offer to go along with your friend to talk to a teacher or counselor.

Also, you should write down

- What happened
- Where and when it occurred
- Who saw it
- How it made your friend feel
- How your friend tried to stop it

If you are a bystander when someone is being harassed, you can help by

- Telling the harasser you don't think it's funny
- Telling the harasser to stop
- Walking away and informing an adult of the situation
- Not saying or doing anything that will encourage the harasser. Don't giggle, stare, tell jokes or gossip about what happened. These things will make the situation worse because they make people feel you approve of the behavior.

Am I a Harasser?

- Would I like to have my behavior reported on the front page of the school newspaper?
- Would I like to have a member of my family treated this way?
- Would my parents or guardians be proud of my behavior?
- Would I act this way if another person were present?

Three kinds of people engage in hurtful behavior: those who take pleasure in hurting others, those who do it to go along with their friends, and those who really do not know that their behavior is wrong. Train yourself to treat people well.

How Can I Help Prevent or Stop Harassment in My School?

Harassment happens in almost every school, but there are things every one can do to help stop it and to prevent it from happening. Some things you can do are:

- Report harassment of yourself or others.
- Support other students and participate in support groups.
- Know your rights.
- Understand formal and informal complaint procedures for dealing with harassment.
- Receive training and volunteer to help train other students.
- Be involved in setting policy and procedure.
- Participate in assemblies.
- Receive assertiveness skills training.
- Work to have your school identify a student group where students can go when they have concerns.
- Model appropriate behavior yourself.
- Have a "No Tolerance" mindset toward harassment.
- Learn a mediation approach to solve problems (mediation involves a third person who can help you resolve a conflict).
- Inform your parents or guardians of policies and procedures and any current incidents at your school.

Personal Considerations for Students

The following are some more ways you can promote a bias-free environment in your school, which helps prevent harassment from occurring.

1. Show respect and consideration to everyone regardless of race, color, national origin, sex, age, marital status, parental status, physical condition, or any other perceived differences.
2. Appreciate individual and cultural differences in people. Show sensitivity to different learning styles and nonverbal behaviors.
3. Interact in a positive way with people who are different from you.
4. Use nonbiased language at school, at home, and in the community.
5. Know how to recognize negative bias and how it limits and demeans people.
6. Make a conscious commitment to compensate for your own biases. Keep in mind that you were raised and socialized in a biased environment and may unwittingly demonstrate biased attitudes.

7. Confront any biased or discriminatory behavior that you encounter. Ignore behavior that you find offensive or deal with it directly by contacting the appropriate person or agency.

8. Take advantage of opportunities to learn about bias and prejudice.

9. Participate in extracurricular learning activities specifically dealing with the problems of bias and prejudice, and celebrations commemorating the contributions of people of color and women to U.S. society.

LEGAL FOUNDATIONS

The law concerning school-based harassment, especially sexual harassment, is still undergoing refinement as the courts determine various questions. This section presents some laws and important cases, but is not exhaustive and is intended only as an introduction to legal issues. If you want current or specific information, contact the Office for Civil Rights in your region or your school district's legal representative.

Applicable Laws

Title VI of the Civil Rights Act of 1964

No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance.

Title VII of the Civil Rights Act of 1964

Prohibits discrimination on the basis of race, color, national origin, religion, or sex. Sex discrimination has been interpreted by the courts to include sexual harassment. The law covers all employees in public and private institutions having 15 or more employees, including student employees.

Title IX of the Education Amendments of 1972

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance.

The Civil Rights Act of 1991

Amends Title VII. Allows damages for emotional distress and punitive damages for employees of private institutions. Compensatory damages, but no punitive damages, are available to public employees.

Selected Court and OCR Decisions

- The Supreme Court ruled in Franklin v. Gwinnett County Public Schools (1992) that where an implied private right to sue exists, money damages are recoverable. There are implied private rights to sue under the Title IX and the Rehabilitation Act of 1973.
- The U.S. Court of Appeals for the 11th Circuit ruled in Davis v. Monroe County Board of Education (1996) that a district can be sued for monetary damages if school authorities know about but fail to act on a sexually hostile educational environment created by student-to-student sexual harassment.
- Doe v. Petaluma (1993) found that Title IX protects students against sexual harassment when a hostile education environment is created even if the students themselves create the environment. Further, the district can be held liable for damages if it intended to

discriminate against a student by not taking action upon the plaintiff's complaint. Failure to act can be evidence of intention to discriminate.

- In a situation involving a school district in Washington state, the Office for Civil Rights found that a teacher who repeatedly treated minority students in a racially derogatory manner violated Title VI by creating a racially hostile environment.
- In Walker v. Ford Motor Company (1982), the 11th Circuit Court found that a racially hostile environment was created by the "repeated, continuous and prolonged" use of derogatory terms.

RESOURCES AND REFERENCES

The following sites are a starting point in the search for information on school-based harassment. However, World Wide Web addresses change frequently, and individuals seeking information on harassment may also find it helpful to undertake a WWW search on the topic for the latest sites.

Online

- http://nwrel.org/cnorse is the World Wide Web address for the home page of the Center for National Origin, Race and Sex Equity (CNORSE). The CNORSE page has information on issues of concern to educators including harassment and provides links to other resources on the Internet.
- http://nwrel.org is the World Wide Web address for the home page of the Northwest Regional Educational Laboratory, one of 10 federally funded laboratories focused on research and development to help educators, policymakers, and communities improve schools and help students attain their full potential.
- http://www.etde.wednet.edu/equity is the home page for Equity Education Online.
- http://ra.terc.edu/regional_networks/equity/equity.html is the WWW address for Equity Regional Network.
- http://www.ed.gov/offices/OCR/ is the Office for Civil Rights home page.
- http://www.facing.org/ is the home page for Facing History and Ourselves National Foundation, Inc., a national educational and professional development organization whose mission is to engage students of diverse backgrounds in an examination of racism, prejudice, and anti-Semitism in order to promote the development of a more humane and informed citizenry.

Organizations

- Anti-Defamation League of B'nai B'rith (ADL). A World of Difference Institute, Anti-Defamation League of B'nai B'rith, 823 United Nations Plaza, New York, NY 10017.
- Center for National Origin, Race and Sex Equity (CNORSE). Located at the Northwest Regional Educational Laboratory (NWREL) in Portland, Oregon, CNORSE is one of 10 regional desegregation assistance centers funded by the U.S. Department of Education. CNORSE provides training and technical assistance within the larger context of school improvement to public school personnel, school board members, students, parents, and other community members. The center assists public school staff in providing equitable, high-quality education to all learners. CNORSE/NWREL, 101 S.W. Main St., Suite 500, Portland, OR 97204-3297.

- Departments of education in each state have equal education opportunity offices. Those offices may have information on curriculum guides, seminars, videotapes, and other resources.
- Desegregation Assistance Centers (DACs). Ten federally funded regional Title IV DACs work to assist educators to create safe, positive, and bias-free educational environments for all students. DAC efforts cut across categories of race, national origin, and gender. For the DAC serving your area, contact the U.S. Department of Education.
- Equity Resource Center at Portland Public Schools contains a specialized collection of diverse equity resources for educators in the CNORSE region. Equity Resource Center, 501 North Dixon Street, Portland, OR 97227. (503) 916-2000.
- National Coalition Building Institute offers programs in prejudice reduction, intergroup conflict resolution, and coalition building to elementary through high school students. National Coalition Building Institute, 1835 K Street, N.W., Suite 715, Washington, DC 20006.
- Office for Civil Rights, U.S. Department of Education.
- Respecting Ethnic and Cultural Heritage (REACH) Center, 239 N. McLeod, Arlington, WA 98223.
- Southern Poverty Law Center, Teaching Tolerance Program, 400 Montgomery Ave., Montgomery, AL 36104.

Print, Video and Curricula

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